

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

STEPHEN JOHN CASEY, SR.,

Petitioner,

v.

STEVEN O'BRIEN,

Respondent.

Civil Action No. 04-11940-PBS

**RESPONDENT'S MOTION FOR AN ENLARGEMENT
OF TIME IN WHICH TO RESPOND TO PETITION**

The Respondent, Steven O'Brien, in his capacity as Superintendent of the North Central Correctional Institute at Gardner, Massachusetts (the "Respondent"), hereby respectfully moves this Court to enlarge until December 24, 2004 the time in which he must answer or otherwise respond to the petition for a writ of habeas corpus (the "Petition") filed by Petitioner Steven John Casey, Sr. (the "Petitioner"). The Respondent's response is currently due on December 6, 2004. In support of this Motion, the Respondent states as follows:

1. The Petition arises from a 1999 conviction in the New Bedford, Massachusetts, Superior Court.
2. The Petition includes serious allegations and references complex areas of law.
3. Certain portions of the docket for the state case referenced above cannot be accessed electronically and thus were not immediately available to counsel for the Respondent. Such portions were obtained shortly before the Respondent's deadline for responding to the Petition and revealed elements of the case history that were not previously apparent and that may significantly impact the Respondent's analysis of and response to the Petition.

4. Counsel for the Respondents have not yet obtained the necessary documents from the Bristol District Attorney's Office, which prosecuted the case referenced above. Affording counsel for the Respondents sufficient time to obtain and review such documents will enable counsel to respond most competently to the Petition and to provide sufficient documentation reflecting whether the Petitioner has exhausted state remedies, per this Court's Order of November 10, 2004.

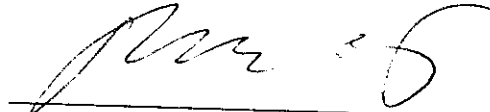
5. No previous application for an enlargement of time to answer or otherwise respond to the Petition has been made to this Court.

6. Allowance of this Motion will enable counsel for the Respondent to aid the Court most thoroughly and effectively and will not prejudice any party.

WHEREFORE, the Respondent requests that this Court enlarge the time in which he must answer or otherwise respond to the Petition until December 24, 2004.

Respectfully submitted,

THOMAS F. REILLY
Attorney General



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Assistant Attorney General
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Dated: December 6, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served on December 6, 2004, by first class mail, postage prepaid, upon:

Stephen John Casey, Sr.
W-67232
North Central Correctional Institute
500 Colony Road
P.O. Box 466
Gardner, MA 01440

pro se


Randall E. Ravitz